

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF

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*

JEANNETTE RODRIGUEZ LEBRON

*

CASE # 10-01736ESL

*

CHAPTER 13

DEBTOR/S

*

**DEBTOR/S OBJECTION TO CLAIM FILED BY
BAXTER CREDIT UNION CLAIM DOCKET # 2**

TO THE HONORABLE COURT:

Comes now the debtor/s through his/her/their undersigned attorney and very respectfully prays and estates.

**1) That debtor is objecting the portion of secured claim filed by creditor ,
Baxter Credit Union on the following arguments.**

A) Not in conformity to Bankruptcy. Rules 3001(d) and 3007

**The mentioned Rules requires that the representation of the debt should be filed
with elements that did permit the determination of the validity of the claim.**

In the instant case claiming a partially secured interest with

A) NO EVIDENCE OF THE VALUE OF COLLATERAL AS represented

B) INCLUSION OF POST-FILING NO MATURE INTEREST.

**C) ACCOUNT STATEMENT CONTRADICTORY WITH AMOUNT OF
CLAIM.**

**2) No in conformity with 11 USC Secc 506 regarding secured and unsecured
portions of a secured claim when his collateral object value is much less that the
amount claimed as secured.**

**3) The secured creditor Baxter Credit Union filed his claim # 2 claiming a secured
claim for the Total of \$ 20.393.48 .**

**The attached evidence to the claim clearly shows that the claimed amount is the
compound of the Total balance of the loan \$ 15.627.87 plus and including in it the
amount of \$ 4.765.61 for the non mature interests and other items and without
taking into consideration the market value of the collateral .**

**4) The claim's page # 1 of claim # 2 stated that the value of the collateral is equal to
the amount of the loan , without any evidence of valuation nor any appreciation of
the actual market value of the collateral object.**

5) A simple review of the Kelley Blue Book or any other entity of pricing vehicles of motor demonstrated that the value of the collateral is much less than the one indicated in creditor's claim.

The debtor is attaching to this motion the photocopies of the Kelley Blue Book showing the fair or replacement value of a vehicle as the one that collateralize the creditor's object be \$ 8,990.00 and if in excellent conditions \$ 10,765.00

WHEREFORE the debtor very respectfully prays from the Court to take notice of the above and that the debtor is objecting the proof-of claim # 2 filed by Baxter Credit Union in his part claimed as secured portion.

The debtor furthermore prays from the Court to disallow the proof of claim docket number in relation to the secured portion claimed and to allow the total of the claim # 2 in the amount of the excellent condition of his collateral \$ 10,765.00 as secured claim and in the amount of \$ 2,628.48 as unsecured debt .

In Carolina Puerto Rico this 30th day of June 2010

**MORENO AND MORENO LAW OFFICE
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USCD PR 202708
moreno97@prtc.net**


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2008 Mitsubishi Lancer DE Sedan 4D

Trade-In Value

Private Party Value

Suggested Retail Value

CPO Value

Photo Gallery

Cars For Sale

Compare Vehicles

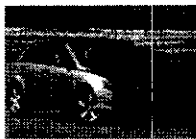
Blue Book Review

Consumer Ratings

Find Your Next Car

Specifications

BLUE BOOK® PRIVATE PARTY VALUE

[More Photos](#)Condition EXCELLENT Value

Excellent \$10,765

Good \$10,090

Fair \$8,990

NEXT STEP: SEARCH LOCAL LISTINGS

Free CARFAX Record Check

Powered by **CARFAX**VIN:

No VIN? No Problem!

Average Consumer Rating (14 reviews)

[Read Reviews](#)

★★★★★ 4.6 out of 5

[Review this Vehicle](#)

Similar New Vehicles

2010 Mitsubishi Lancer

[Photos](#)[Pricing](#)

2010 Mazda MAZDA3

[Photos](#)[Review](#)[Pricing](#)[More Results](#)

Vehicle Highlights

 Mileage: 26,000
 Engine: 4-Cyl, 2.0 Liter
 Transmission: Automatic, CVT
 Drivetrain: FWD

Selected Equipment

Change Equipment

Standard

Power Steering

Power Windows

Tilt Wheel

AM/FM Stereo

MP3 (Single Disc)

Dual Air Bags

Side Air Bags

Blue Book Private Party Value

Kelley Blue Book Private Party Value is the amount a buyer can expect to pay when buying a used car from a private party. The Private Party Value assumes the vehicle is sold "As Is" and carries no warranty (other than any remaining factory warranty). The final sale price may vary depending on the vehicle's actual condition and local market conditions. This value may also be used to derive Fair Market Value for insurance and vehicle donation purposes.

Vehicle Condition Ratings

[Check Vehicle Title History](#)

Excellent



\$10,765

 BUY A USED CAR
 On Blue Book Classifieds™

Mitsubishi

Lancer

75 Miles

Near ZIP 00936

[To View Ads, Click](#)

Shopping Tools

 Free CARFAX Record Check
 Auto Loan from 3.85% APR
 Get Your Credit Score Now
 Compare Insurance Rates
 with Progressive
 Payment Calculator
 Extended Warranty Quote
 Print For Sale Sign

FIND THE RIGHT CAR

Compare Used vs. New

\$10,000 to \$15,000

Both New and Used

Sedan

[To View List, Click](#)

VIEW ANOTHER VEHICLE

Select Year...

Select Make...

Select Model...

[Or Search by Category](#)[Or Change ZIP Code](#)

- Looks new, is in excellent mechanical condition and needs no reconditioning.
- Never had any paint or body work and is free of rust.
- Clean title history and will pass a smog and safety inspection.
- Engine compartment is clean, with no fluid leaks and is free of any wear or visible defects.
- Complete and verifiable service records.

Less than 5% of all used vehicles fall into this category.

Good



\$10,090

- Free of any major defects.
- Clean title history, the paint, body, and interior have only minor (if any) blemishes, and there are no major mechanical problems.
- Little or no rust on this vehicle.
- Tires match and have substantial tread wear left.
- A "good" vehicle will need some reconditioning to be sold at retail.

Most consumer owned vehicles fall into this category.

Fair



\$8,990

- Some mechanical or cosmetic defects and needs servicing but is still in reasonable running condition.
- Clean title history, the paint, body and/or interior need work performed by a professional.
- Tires may need to be replaced.
- There may be some repairable rust damage.

Poor



N/A

- Severe mechanical and/or cosmetic defects and is in poor running condition.
- May have problems that cannot be readily fixed such as a damaged frame or a rusted-through body.
- Branded title (salvage, flood, etc.) or unsubstantiated mileage.

Kelley Blue Book does not attempt to report a value on a "poor" vehicle because the value of these vehicles varies greatly. A vehicle in poor condition may require an independent appraisal to determine its value.

* Puerto Rico 6/30/2010

Accurate Condition Appraisal

[Change Condition](#)

Accurately appraising the condition of a vehicle is an important aspect in determining its Blue Book value. Taking our 16 question condition quiz will ensure you know the correct condition rating.

NEXT STEP: SEARCH LOCAL LISTINGS

© 2010 Kelley Blue Book Co., Inc. All rights reserved. 6/25/2010-7/1/2010 Edition. The specific information required to determine the value for this particular vehicle was supplied by the person generating this report. Vehicle valuations are opinions and may vary from vehicle to vehicle. Actual valuations will vary based upon market conditions, specifications, vehicle condition or other particular circumstances pertinent to this particular vehicle or the transaction or the parties to the transaction. This report is intended for the individual use of the person generating this report only and shall not be sold or transmitted to another party. Kelley Blue Book assumes no responsibility for errors or omissions. (v.10070)

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UNITED STATES BANKRUPTCY COURT		Puerto Rico	DISTRICT OF	Puerto Rico	PROOF OF CLAIM								
Name of Debtor Jeannette Rodriguez		Case Number 10-01736											
<small>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</small>													
Name of Creditor (The person or other entity to whom the debtor owes money or property): Baxter Credit Union		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.											
Name and address where notices should be sent: 340 N Milwaukee Ave Vernon Hills, IL 60061		THIS SPACE IS FOR COURT USE ONLY											
Telephone number: 847-932-8247													
Account or other number by which creditor identifies debtor: 1057-10		Check here if this claim <input type="checkbox"/> replaces a previously filed claim, dated: _____ <input type="checkbox"/> amends											
1. Basis for Claim <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input checked="" type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____													
<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of SS #: _____ Unpaid compensation for services performed from _____ to _____ (date) (date)													
2. Date debt was incurred: 07/22/08			3. If court judgment, date obtained:										
4. Total Amount of Claim at Time Case Filed: \$ <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">(unsecured)</td> <td style="width: 33%; text-align: center;">(secured)</td> <td style="width: 33%; text-align: center;">(priority)</td> <td style="width: 33%; text-align: center;">(Total)</td> </tr> <tr> <td style="text-align: center;">20393.48</td> <td style="text-align: center;">20393.48</td> <td style="text-align: center;">20393.48</td> <td style="text-align: center;">20393.48</td> </tr> </table>						(unsecured)	(secured)	(priority)	(Total)	20393.48	20393.48	20393.48	20393.48
(unsecured)	(secured)	(priority)	(Total)										
20393.48	20393.48	20393.48	20393.48										
If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.													
5. Secured Claim. <input checked="" type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input checked="" type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ 20,393.48 Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ 1,811.88			7. Unsecured Priority Claim. <input type="checkbox"/> Check this box if you have an unsecured priority claim. Amount entitled to priority: \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,000)* earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). <small>*Amounts are subject to adjustment on 4/1/97 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment. \$10,000 and 180 day limits apply to cases filed on or after 4/20/05. Pub. L. 109-8.</small>										
6. Unsecured Nonpriority Claims _____ <input type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.													
8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.					THIS SPACE IS FOR COURT USE ONLY								
9. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.													
10. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.													
Date: 05/21/10 Sign and print the name and title, if any, of the debtor or other person authorized to file this claim (attach copy of power of attorney, if any): Brian Nuttall													

CERTIFICADO DE TITULO

000052008 00119112

0402-0394-4594-00000000

NOMBRE DE TITULO		FECHA EXPIRACION	
A-228173		05/05/2017	
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000052008 00119112		05/05/2017	
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000052008 00119112		05/05/2017	
NOMBRE DE TITULO		FECHA EXPIRACION	
000052008 00119112		05/05/2017	

NOMBRE Y DIRECCION DEL DUEÑO REGISTRO
 Nombres: RODRIGUEZ NEGRON, JERINETTE

Resido:

055031

GRAVAMENES

PRIMER GRAVAMEN (MUY CONDICIONAL)

BAYTOL

SEGUNDO GRAVAMEN (OTROS)

CANCELACION GRAVAMEN

EL CON AGRAO REMATE Y TENDRAN EL DERECHO GRAVAMEN POR EL VALOR DE NOTICIA DE CERTIFICADO GRAVAMENES QUE EL MUNICIPIO DE GRAVAMEN DEBE EN GRAVAMEN DEBERAN ALMORZAR LOS

FECHA Y NOTICIA

FECHA Y NOTICIA

ADMINISTRACION

A-8054582

..... 057 Loan 10: 2008 MITSUBISHI LANCER Remaining Payments

05/21/2010

Loan Balance: 15,627.87
Interest Date: 02/28/2010
Interest Rate: 5.240
Remaining Payment Count: 68
Standard Payment: 301.98
Next Payment Date: 05/30/2010
Final Payment: 160.82
Final Payment Date: 12/30/2015
Remaining Interest: 3,110.51
Remaining Payments: 20,393.48